

REMARKS

Claims 1, 4, and 6-17 are pending in the application. Claim 6 has been allowed. Therefore, claims 1, 4, and 7-17 are at issue.

Claims 1 and 15 have been amended to recite that the diamino carboxylic acid is present in an amount of about 5% to about 25%, by weight of the composition. Support for this amendment can be found in claim 6 and in the specification at page 13, lines 17-23, for example.

Claims 13 and 14 have been amended to correct a typographical error. Claim 14 lists surfactants that are nonionic surfactants rather than anionic surfactants, e.g., an ethoxylated polysorbate. Therefore, claims 13 and 14 have been amended to correct this error and recite that the surfactant can be an anionic or a nonionic surfactant. Support for these amendments can be found in the specification at page 19, line 25 through page 21, line 21.

In the Office Action, the examiner stated that claim 6 was allowable if rewritten as an independent claim. In response, applicants amended independent claim 1 and dependent claim 15 to recite that the diamino carboxylic acid is present in an amount of about 5% to about 25%, by weight of the composition. It is submitted that this amendment to claim 1 puts all claims in the application in a condition for allowance.

In particular, the examiner states that the prior art does not teach or suggest a composition, as claimed, having a diamino carboxylic acid content of 5-15%. It is submitted, however, that the prior art

further fails to teach or suggest a composition, as claimed, containing about 5% to about 25%, by weight of the composition as presently claimed.

Although claims 1, 4, 7-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by Yamagishi et al. U.S. Patent No. 5,370,865 ('865), in view of the amendment to claim 1, this rejection has been overcome. The '865 patent contains examples where the arginine or lysine is present at less than 1.5%, see Examples 1-11. The '865 patent fails to teach or suggest an amount of diamino carboxylic acid anywhere near 15%, by weight, as recognized by the examiner, and even more so fails to teach or suggest the presence of a diamino carboxylic acid in an amount greater than 15%, and up to about 25%, by weight, as presently claimed.

Accordingly, present claims 1, 4, and 7-17 are patentable over the cited art for the same reasons that claim 6 is patentable over the '865 patent. Accordingly, it is submitted that the rejection of claims 1, 4, and 7-17 as being anticipated by the '865 patent under 35 U.S.C. §102(b) should be withdrawn. It also is submitted that these claims would not have been obvious over the '865 patent under 35 U.S.C. §103 for the reasons stated by the examiner with respect to claim 6.

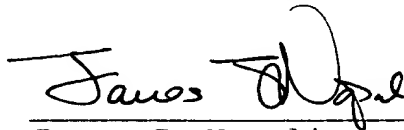
In summary, it is submitted that all pending claims are now in proper form and scope for allowance. An early and favorable action on the merits is respectfully requested.

Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, the examiner is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

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November 9, 2004